

Attorney Docket No. 339-002-USP

REMARKS

This Amendment is being submitted in response to the Examiner's Final rejection dated July 1, 2005. Claims 1-9, 11-20, and 22 are pending in the application. The Examiner has rejected claims 1-9 and 11-17, and allowed claims 18-20. Claim 1 has been amended, and claim 22 has been added. No new matter has been added. In claim 1, for example, a limitation has been added indicating that the locking member is resiliently hinged at the sidewall. Support for this amendment can be found throughout the drawings and the specification. See, for example, Figures 1-8 and page 4, lines 5-18. In new claim 22, claim 1, before the present amendment, has been combined with a post having an engageable surface. Support for this amendment can be found throughout the drawings and the specification. See, for example, Figures 1, 2, 4, 6-8, 10, and 11.

Rejection under 35 U.S.C. § 102

The Examiner rejected claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by United States patent application publication number 2004/0108342 filed by Gomez et al. (the Gomez reference). Applicant respectfully traverses this rejection.

First, the Gomez reference was published on June 10, 2004, while the present application was filed March 25, 2004 (i.e., before the publication date of the Gomez reference). Thus, the Gomez reference was not published more than one year prior to the application date of the application and is thus not a proper prior art reference under 35 U.S.C. § 102(b).

Second, Applicant has amended claim 1, from which claims 2-9 and 11-17 depend, to require that the locking member be resiliently hinged at the sidewall of the cap. As described above, this limitation is supported by the originally-filed drawings and specification. The Gomez reference, however, fails to teach a locking member that is resiliently hinged at the sidewall of a cap. The cap ring 44 that the Examiner argues discloses a locking member as required by claim 1 is not resiliently hinged at the sidewall of the cap. Rather, the cap ring 44 is an annular rib that extends away from the sidewall of the cap, but is not resiliently hinged at the sidewall. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-9 and 11-17, and that claims 1-9 and 11-17 be allowed.

BEST AVAILABLE COPY

Attorney Docket No. 339-002-USP

Applicant has also added new claim 21, which includes a post having a lockable protective cap. The cap disclosed in the Gomez reference, however, fails to disclose a post having an engaging surface. Accordingly, Applicant respectfully requests that the Examiner allow new claim 22.

This Amendment is submitted contemporaneously with a petition for a one-month extension of time in accordance with 37 CFR § 1.136(a). Accordingly, please charge Deposit Account No. 50-3199 in the amount of \$60.00 for a one-month extension of time fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 accordingly.

Conclusion

Claims 1-9, 11-20, and 22 are pending in the application. Applicant has amended claim 1 and added claim 22. No new matter has been added. Applicant believes the pending claims are allowable and respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that a telephone conference may be helpful in resolving any remaining issues, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Dated: November 1, 2005.

Respectfully submitted,



Thomas J. Osborne, Jr., Registration No. 39,796
Attorney for Applicant
USPTO Customer No. 45346

HENSLEY KIM & EDGINGTON, LLC
1660 Lincoln Street, Suite 3050
Denver, Colorado 80241
Ph: 720-377-0770